



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,089	09/30/2003	James L. Christofferson	1-24751	4760

4859 7590 08/06/2004

MACMILLAN SOBANSKI & TODD, LLC
ONE MARITIME PLAZA FOURTH FLOOR
720 WATER STREET
TOLEDO, OH 43604-1619

EXAMINER

CONLEY, FREDRICK C

ART UNIT PAPER NUMBER

3673

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,089

Applicant(s)

CHRISTOFFERSON ET AL.

Examiner

Fredrick C Conley

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-18 is/are rejected.
- 7) ☒ Claim(s) 12, 13, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/23/04</u> | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14-15 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,168,590 to O'Sullivan.

Claim 14, O'Sullivan discloses a method for carrying the pressure-distributing medium in a personal mobility vehicle cushion, the method comprising the steps of:

- a) providing a cushion cover having a pocket 16,
- b) inserting a pressure-distributing medium 26 in the pocket, and
- c) inserting a base 200 in the cover so that the pressure-distributing medium is positioned above the base.

Claim 15 further comprising the step of fastening the cover closed (col. 3 lines 66-68).

Claim 18, further comprising the step of providing a pocket opening that further faces forward of the cover.

Claims 14 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No 6,151,733 to Takashima.

Claim 14, Takashima discloses a method for carrying the pressure-distributing medium in a personal mobility vehicle cushion, the method comprising the steps of:

- a) providing a cushion cover 3 having a pocket 32,

Art Unit: 3673

b) inserting a pressure-distributing medium 1 in the pocket, and

c) inserting a base 2 in the cover so that the pressure-distributing medium is positioned above the base.

Claim 16, further comprising the step of providing the pocket within the cover.

Claim 17, further comprising the step of providing a pocket opening that faces interiorly of the cover.

Claim 18, further comprising the step of providing a pocket opening that further faces forward of the cover.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,592,707 to Dinsmoor et al. in view of U.S. Pat. No. 5,168,590 to O'Sullivan.

Claim 1, Dinsmoor discloses a seat cushion comprising:

a base 4;

a pressure-distributing medium 5 supported by the base; and

a cover 3 covering the base and the pressure-distributing medium. Dinsmoor fails to disclose the cover comprising a pocket for receiving the pressure-distributing medium. O'Sullivan discloses a cover for a cushion having a pocket 16. It would have

Art Unit: 3673

been obvious to one having ordinary skill in the art at the time of the invention to employ a pocket as taught by O'Sullivan with the cover of Dinsmoor in order to easily insert and remove the pressure-distributing medium.

Claim 2, wherein the pressure distributing medium is a fluid pad.

Claim 3, wherein the base includes a posterior seat well for receiving bony prominences of a wheelchair occupant (col. 3 lines 45-48)(Dinsmoor).

Claim 4, wherein the pocket is positioned at a rear of the cover substantially over the seat well.

Claim 6, wherein the pocket includes an opening 13 at a front end thereof.

Claim 7 wherein the pocket is closed along a rear and lateral sides of the cover (col. 3 lines 62-63).

Claim 8, further including at least one fastener in the pocket for securing the pressure-distributing medium therein (col. 3 lines 66-68)(O'Sullivan).

Claim 9, wherein the at least one fastener is in the form of a hook-and-loop type fastener (col. 3 lines 66-68)(O'Sullivan).

Claim 10, further comprising top and bottom fabric panels joined together with an opening provided therebetween that is selectively opened and closed via one or more fasteners (col. 3 lines 66-68)(O'Sullivan).

Claim 11, wherein the one or more fasteners is a slideable fastener (col. 3 lines 66-68)(O'Sullivan).

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,592,707 to Dinsmoor et al. in view of U.S. Pat. No. 6,151,733 to Takashima.

Claim 1, Dinsmoor discloses a seat cushion comprising:

a base 4;

a pressure-distributing medium 5 supported by the base; and

a cover 3 covering the base and the pressure-distributing medium. Dinsmoor fails to disclose the cover comprising a pocket for receiving the pressure-distributing medium. Takashima discloses a cover for a cushion having a pocket 32. It would have been obvious to one having ordinary skill in the art at the time of the invention to employ a pocket as taught by Takashima with the cover of Dinsmoor in order to store the pressure-distributing medium.

Claim 2, wherein the pressure distributing medium is a fluid pad.

Claim 3, wherein the base includes a posterior seat well for receiving bony prominences of a wheelchair occupant (col. 3 lines 45-48)(Dinsmoor).

Claim 4, wherein the pocket is positioned at a rear of the cover substantially over the seat well.

Claim 5, wherein the pocket is provided within the cover.

Allowable Subject Matter

Claims 12-11 and 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3673


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fredrick C Conley whose telephone number is 308-7468. The examiner can normally be reached on m-th m-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FC


TERI PHAM LUU
PRIMARY EXAMINER